

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

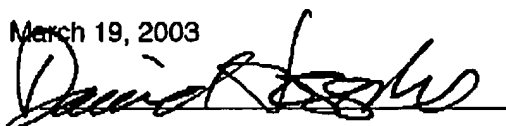
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Fax No. 703-872-9302

Date: March 19, 2003

Certifier :



Printed Name: David R. Josephs

Inventor: McCullough, Kevin

Serial No. 09/756821

Filing Date: January 9, 2001

Title: METHOD OF MANUFACTURING A HEAT PIPE CONSTRUCTION

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1. This cover page (1 page)
2. Response (3 pages)

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Certifier: David R. Josephs

PATENT  
ART UNIT 3726  
Serial No: 09/756821

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: MCCULLOUGH, Kevin  
Serial No.: 09/756821  
Filed: January 9, 2001  
For: METHOD OF MANUFACTURING A  
HEAT PIPE CONSTRUCTION

Atty: D. Josephs Docket No. P00405-US1  
Examiner: ROSENBAUM, Irene Cuda  
Group Art Unit 3726

**RESPONSE**

Box: Non-Fee Amendment  
Honorable Commissioner of  
Patents and Trademarks  
Washington, D.C. 20231

Sir:

In response to the Office Action mailed March 11, 2003, Applicant has the following comments.

**I. REPLY OF FEBRUARY 25, 2003 DEEMED NON-RESPONSIVE**

The office action states that the reply filed on February 25, 2003 is not fully responsive to the prior Office Action of January 23, 2003 because the applicant failed to address the double patenting rejection.

The prior office action of January 23, 2003 did not include a double patenting rejection. It only included a rejection under Section 102 and 103. Applicant's Amendment of February 25, 2003 fully addressed the rejections under Section 102 and 103.

The only time a double patenting rejection appeared in this case was in the office action May 3, 2002 which was prior to the filing of a Request for Continued Examination. The double patenting rejection was addressed in Applicant's Amendment of September 6, 2002 which immediately followed the office action of May 3, 2002. For the convenience of the Examiner, Applicant again addresses the prior double patenting rejection below.

## II. DOUBLE PATENTING OBJECTION

In the office action of May 3, 2002, the Examiner stated that the claims pending in the present invention are directed to the same invention as that of commonly assigned Serial No. 09/757,541. The Examiner has therefore required that the Applicant state which entity is the prior inventor of the conflicting subject matter.

The pending claims in the present invention are directed to a method of manufacturing a heat pipe device having an object formed thereabout. The method includes specific steps relating to the process by which a heat pipe is molded into a heat dissipation device without damaging the heat pipe in the process. The method begins with an uncharged heat pipe and results in a net shape molded heat sink.

The claims pending in Serial No. 09/757,541 are directed to a method of manufacturing a heat spreader by first providing a fully charged heat pipe, laminating it between a top and bottom metallic spreader plate and filling the void there between with a thermally conductive polymer composition. The heat pipe is fully charged before the process begins and the invention is not net shape molded as the final shape is dictated by the top and bottom plates not the injection molded polymer.

Since the present invention recites a method that is not described or claimed in the cited application and since the cited application includes limitations not included in the present invention, the claimed subject matter does not conflict with pending Serial

No. 09/757,541. The two inventions do not overlap and are patentably distinct. Applicant therefore respectfully requests that the Examiner withdraw this objection.

**III. CONCLUSION**

Applicant submits that Claims 1, 2, 5, 7 and 8, as amended, are allowable over the cited prior art. In view of the above, Applicants submit that pending Claims 1, 2, 5, 7 and 8 are now in condition for allowance. Reconsideration of the Rejections and Objections are requested. Allowance of Claims 1, 2, 5, 7 and 8 at an early date is solicited.

If an extension of time is required for timely submission of this response, Applicant hereby petitions for an appropriate extension of time and the Office is authorized to charge Deposit Account 02-0900 for the appropriate additional fees in connection with the filing of this response.

The Examiner is invited to telephone the undersigned should any questions arise.

Dated: 3/19/2003

Respectfully submitted,



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